

**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
TUESDAY, NOVEMBER 1, 2005**



**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**CALL TO ORDER**

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, November 1, 2005 in the City Hall Kiva, at 5:15 P.M.

**ROLL CALL**

Present: Mayor Mary Manross  
Vice Mayor Ron McCullagh  
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,  
Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan  
Acting City Attorney Deborah Robberson  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Explorer Travis Goodson, Post #908

**INVOCATION** – Pastor Frank Shirvinski, Chaparral Christian Church

**PUBLIC COMMENT**

**Mike Aloisi**, 6846 N 72<sup>nd</sup> Pl, 85250, recommended increasing public safety personnel salaries, and urged citizens to write to the Council and the State Legislature regarding a program to honor police officers.

**Leon Spiro**, 7814 E Oberlin Wy, 85262, discussed concerns and requested answers regarding the City's policy on abandoning General Land Office Roadway Easements, and urged the Council to request the opinion of the Arizona Attorney General. Mr. Spiro noted that the Maricopa County Attorney's Office recently determined these easements could not be abandoned except by an act of Congress.

**NOTE** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## MINUTES

SPECIAL MEETINGS  
October 11, 2005

REGULAR MEETINGS  
October 11, 2005

COUNCILMAN LANE MOVED FOR APPROVAL OF THE SPECIAL AND REGULAR MEETING MINUTES OF OCTOBER 11, 2005. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

## CONSENT AGENDA      ITEMS 1 – 17

ITEMS 7, 8, 9, AND 17 WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.

1.     **Chop and Wok (Restaurant) Extension of Premises**  
      **Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing series 12 restaurant.  
      **Location:** 7136 E. Shea Boulevard  
      **Reference:** 41-EX-2005  
      **Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
2.     **Un Bacio Ristorante (Restaurant) Liquor License**  
      **Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license.  
      **Location:** 7704 E. Doubletree Ranch Road, #105  
      **Reference:** 53-LL-2005  
      **Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
3.     **The Wine List Wine Shoppe (Beer and Wine Bar) Liquor License**  
      **Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer and wine bar) liquor license.  
      **Location:** 14870 N. Northsight Boulevard, Suite 109  
      **Reference:** 57-LL-2005  
      **Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)
4.     **129th Street GLO Abandonment**  
      **Requests:**
  1. Abandon the 33-foot-wide GLO easement along the eastern property boundary.
  2. Abandon 13 feet of the 33-foot GLO easement along the western property boundary, full property frontage.

3. Dedicate a 20-foot-wide right-of-way along the western property boundary.
4. Adopt Resolution No. 6744 vacating and abandoning a public right-of-way.

**Location:** 9875 N. 129th Street

**Reference:** 4-AB-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Councilmember Drake noted that in August the State Legislature passed ARS 9-524. The statute states that a city or town may abandon a federal patent easement, making the City's authority very clear.

**Leon Spiro**, 7814 E Oberlin Wy, 85262, requested a staff presentation on this item. Mayor Manross reminded Mr. Spiro that this item was on the Consent Agenda and a staff presentation was not required unless the Council specifically requested one. There was no Council interest in having a staff presentation for this item.

#### **5. The Courtyards At Desert Park Abandonment**

**Requests:**

1. Abandon:
  - City Right-of-Way driveway entrance containing an area of approximately 1,299 square feet.
2. Release:
  - Public Utility Easement containing an area of approximately 850 square feet, located along the north and south sides of the driveway.
  - Sight Distance Easement containing an area of approximately 354 square feet, located along the north and south sides of the driveway.
3. Dedicate
  - Non-Vehicular Access Easement containing an area of approximately 63 square feet to be located along the location proposed to be abandoned.
  - Sight Distance Easement containing an area of approximately 225 square feet and located at the southern portion of the proposed driveway.
  - Public Utility Easement containing an area of approximately 445 square feet and located across the eastern portion of the proposed driveway.
  - Sidewalk Easement containing an area of approximately 539 square feet and located across the eastern portion of the proposed driveway.
4. Adopt Resolution No. 6746 vacating and abandoning a public right-of-way.

**Location:** South of the E. Union Hills Drive and Thompson Peak Parkway intersection

**Reference:** 12-AB-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

#### **6. DHL Campus Phase III Amended Development Standard**

**Requests:**

1. Amend the building height for a portion of a Planned Community Development District (PCD) on a 8.23 +/- acre parcel located at the northeast corner of N. Perimeter and Hartford drives with Industrial Park, Planned Community Development District (I-1 PCD) zoning.

2. Adopt Ordinance No. 3644 affirming the above amended development standard.

**Location:** 17207 N. Perimeter Drive and 8660 E. Hartford Drive

**Reference:** 11-ZN-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

7. **First Baptist Church Of Scottsdale Rezoning**

REMOVED FOR SEPARATE ACTION. SEE PAGE 7.

8. **Artesia General Plan Amendment, Rezoning and Amended Development Agreement**

REMOVED FOR SEPARATE ACTION. SEE PAGE 7.

9. **Drinx Conditional Use Permit**

REMOVED FOR SEPARATE ACTION. SEE PAGE 10.

10. **Contract Authorization for Court-Ordered Screening/Treatment Providers**

**Requests:**

1. Authorize Professional Services Contract No. 2005-157-COS with Justice Services, Inc.
2. Authorize Professional Services Contract No. 2005-158-COS with The Center for Recovering Families, Inc.
3. Authorize Professional Services Contract No. 2005-159-COS with the Scottsdale Treatment Institute, PLC to provide court ordered screening and treatment services to Scottsdale City Court defendants.

**Related State Statutes, Policies, References:** Depending on the nature of the criminal conviction, Arizona Revised Statutes mandate screening/treatment programs such as alcohol/drug, domestic violence, shoplifting, and anger management. In addition, the judiciary may require defendants to attend programs as part of their sentencing terms.

**Staff Contact(s):** Janet G. Cornell, Court Administrator, 480-312-2775, [jcornell@scottsdaleaz.gov](mailto:jcornell@scottsdaleaz.gov); Daniel W. Edwards, Deputy Court Administrator (Contract Administrator), 480-312-3092, [dwedwards@scottsdaleaz.gov](mailto:dwedwards@scottsdaleaz.gov)

11. **Engineering Services Contract to Prepare a Transportation Master Plan**

**Request:** Approve Engineering Services Contract #2005-168-COS with HDR Engineering, Inc. (HDR) in the amount of \$1,176,400 to prepare a Transportation Master Plan, including the development of an Airport Circulation Plan, a Central Scottsdale Circulation Plan and the completion of a Phase II High Capacity Transit Study for Scottsdale Road.

**Related Policies, References:**

- June 27, 2005 Request for Statement of Qualifications for a Transportation Master Plan for the City of Scottsdale
- Scottsdale General Plan 2001
- Scottsdale/Tempe North/South Corridor Major Investment Study 2003
- Maricopa Association of Governments' Regional Transportation Plan 2003

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

Councilman Ecton remarked on the importance of the Transportation Master Plan, as well as the importance of following through on the study once it is complete. Mayor Manross noted this program includes an action plan and implementation strategies.

**12. Intergovernmental Agreement for Construction of the East Valley Bus Operations and Maintenance Facility**

**Request:** Adopt Resolution No. 6753 authorizing Intergovernmental Agreement No. 2005-155-COS with the City of Scottsdale, City of Tempe and the Regional Public Transportation Authority for the construction of the East Valley Bus Operations and Maintenance Facility, jointly owned by all three parties.

**Related Policies, References:** IGA No. 2005-155-COS; City Procurement Code: Section 2-181-D; Maricopa Association of Governments (MAG) Regional Transportation Plan (2003).

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

Staff mentioned the following points:

- Bus service could be expanded
- The City owns a percentage of the site
- RPTA will be providing additional funding

**13. Issuance of General Obligation bonds and Municipal Property Corporation Bonds to Finance Capital Improvement Projects, Land Acquisitions, and Preserve Purchases/Improvements**

**Requests:**

1. Adopt Resolution No. 6756 providing for the competitive sale and issuance of \$145 million principal amount General Obligation (G.O.) Bonds (\$125 million for Bond 2000 projects and \$20 million for Bond 2004 Preserve projects); providing the terms concerning the bonds; authorizing the City's Financial Services General Manager to accept the proposal for the purchase of the bonds; and appointing an initial bond registrar and paying agent for the bonds.
2. Adopt Resolution No. 6757 approving the competitive sale and issuance by the City of Scottsdale Municipal Property Corporation of Excise Tax Revenue Bonds in an amount not to exceed \$150 million (up to \$50 million for State land purchase and up to \$100 million for water and sewer capital projects); approving the terms concerning the bonds; authorizing the City's Financial Services General Manager to accept the proposal for the purchase of the bonds on behalf of the Municipal Property Corporation; and appointing an initial bond registrar and paying agent for the bonds.

**Related Policies, References:**

- Resolution No. 6674 dated 05/17/05, Adopted Financial (Debt) Policies
- Resolution No. 6630 dated 03/15/05, G.O. Reimbursement Resolution
- Resolution No. 6504 dated 06/22/04, Preserve Reimbursement Resolution
- Resolution No. 6635 dated 03/18/05, MPC Reimbursement Resolution
- Resolution No. 6741 dated 10/04/05, MPC Reimbursement Resolution

**Staff Contact(s):** Craig Clifford, Financial Services General Manager, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov); Lee Guillory, Finance Manager, 480-312-7084, [lguillory@scottsdaleaz.gov](mailto:lguillory@scottsdaleaz.gov)

Staff clarified that monies could not be shifted from one area to another. The City can only sell bonds as approved by the voters.

**14. Engineering Services Contract for Final Design Plans for North Freeway Access Road from Scottsdale Road to Hayden Road**

**Request:** Authorize modification to Engineering Services Contract No. 2004-015-COS with Wood, Patel & Associates, Inc., in an amount not to exceed \$520,093 for the final design of roadway and drainage improvements on the North Freeway Access Road (Frontage Road) between Scottsdale and Hayden roads.

**Related Policies, References:**

- On February 17, 2004 Council awarded Engineering Contract No. 2004-015-COS to Wood-Patel & Associates for the preliminary engineering of the North Freeway Access Road, as well as the final design of Center Drive between Scottsdale and Hayden roads.
- Streets Master Plan-2003
- FY 2005/06 Capital Improvement Plan
- Zoning Case 19-ZN-2002 (Crossroads East)
- Zoning Case 20-ZN-2002 (Stacked 40s)
- Transportation Commission - November 2002

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

**15. Resolution Calling the 2006 Municipal Elections**

**Request:** Adopt Resolution No. 6775 calling a general election (General Election) for Tuesday, March 14, 2006 and a run-off election (Run-off Election), if necessary, for Tuesday, May 16, 2006 for the purpose of electing three council members.

**Related Policies, References:**

- The Scottsdale City Charter establishes the time of holding general elections and run-off elections, if necessary, in even numbered years on the first calendar dates authorized by state law establishing mandatory election dates. Three council member seats are to be filled at the 2006 municipal elections.
- Maricopa County Elections Department is statutorily required to provide voter registration and other election services and is well qualified to assist cities and towns with election operations and procedures.

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

**16. Authorize Settlement of Lawsuit Entitled Manfredi v. City of Scottsdale**

**Request:** Adopt Resolution No. 6777 authorizing the Mayor to execute Settlement Agreement No. 2005-181-COS to settle Manfredi v. City of Scottsdale, CV2004-022430, currently pending in Maricopa County Superior Court.

**Staff Contact(s):** Deborah Robberson, Acting City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov); Michael Mason, Risk Claims Manager, 480-312-7040, [mmason@scottsdaleaz.gov](mailto:mmason@scottsdaleaz.gov)

**17. Lease Agreement for Coronado Golf Course**

REMOVED FOR SEPARATE ACTION. SEE PAGE 10.

**MOTION AND VOTE – CONSENT AGENDA**

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 6, AND 10 THROUGH 16, WITH OPTION A FOR ITEMS 10 AND 16. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION:

**7. First Baptist Church Of Scottsdale Rezoning**

**Requests:**

1. Rezone from Single Family Residential District (R1-7) to Multiple Family Residential (R-5) on a 4.23 +/- acre parcel located at 7025 E. Osborn Road.
2. Adopt Ordinance No. 3650 affirming the rezoning.

**Location:** 7025 E. Osborn Road

**Reference:** 12-ZN-2005

**Staff Contact(s):** Frank Gray, General Manager Planning and Development Services 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

The applicant requested a continuance of this item.

**MOTION AND VOTE – ITEM 7**

COUNCILMAN LITTLEFIELD MOVED TO CONTINUE ITEM 7, 12-ZN-2005, TO DECEMBER 12, 2005. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

**8. Artesia General Plan Amendment, Rezoning and Amended Development**

**Agreement**

**Requests:**

1. Amend the General Plan Designation from Resort/Tourism to Neighborhood Commercial (along Scottsdale Road) and Urban Neighborhoods (on the interior of the site).
2. Rezone from Resort/Townhouse Residential, Planned Community District (R-4R PCD), Central Business District (C-2) and Open Space, Planned Community District (O-S PCD) to Neighborhood Commercial, Planned Community District (C-1 PCD) and Multiple Family Residential, Planned Community District (R-5 PCD) with an amended development standard and amended development agreement on a 44+/- acre parcel located at 7171 N. Scottsdale Road.
3. Adopt Resolution No. 6742 affirming the General Plan Amendment.
4. Adopt Ordinance No. 3646 affirming the rezoning and amended development standard.
5. Adopt Resolution No. 6750 authorizing the Mayor to execute Amended Development Agreement No. 980132-A2.

**Reference:** 1-GP-2005 and 2-ZN-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Staff outlined the Artesia General Plan Amendment as follows:

**Development Information**

- Existing Use
  - 318-room hotel
  - Ancillary commercial and conference facility
  - Tennis courts

- Open space
- Parcel Size: 44 acres; 4 separate parcels
- Building Height Allowed: 36 feet

**Proposed Residential:**

- Existing Zoning = 231 units (7.5 dwelling units/acre – 30.5 acres)
- Proposed Zoning = 480 units (12.5 dwelling units/acre – 39 acres)

**Proposed Commercial:**

- Existing Zoning = +/- 93,000 sq. ft. (C-2)
- Proposed Zoning = +/- 177,000 sq. ft. (C-1)
- Proposed Construction: 22,000 sq. ft. (C-1)

**General Plan Analysis:**

- Land Use Element
  - Tourism
  - Resort Corridor
  - Mix of Land Uses Citywide
- Economic Vitality Element
  - Impact of Tourism on Scottsdale
  - Fiscal Impacts
- Character and Design Element:
  - Resort Corridor designation
- Housing Element:
  - Variety of housing types Citywide
  - Live, Work, and Play

**Warnick Report (Applicant Submitted)**

- Older properties need to reinvent themselves to remain competitive
- Renovate existing hotels (Hyatt Regency, Scottsdale Plaza, Scottsdale Resort and Conference Center, Millennium, Hilton Resort & Villas, Renaissance, Caleo Resort)
- Hybrid, i.e. hotel/retail/residential (W Hotel, Valley Ho, Ritz Carlton)
- Other land use - primarily residential (Sunspreet)

The Warnick report concluded that the loss of the Radisson property as a hotel will not adversely affect the hospitality market.

**General Plan Conclusions:**

- The most ideal proposal would be revitalization of the property as a resort or as a mixed use project with a hotel component.
- Both the existing and proposed General Plan designations can work at this property.
- Overall, the proposal would provide reinvestment in the area.

**Zoning Analysis**

- R-5 versus R-4R
- Amended Development Standards
- Amendment to Development Agreement
- Conformance to Site Plan



### Impact Analysis

- Traffic:
  - At maximum build-out of the existing zoning, it is estimated there would be 9,416 daily trips, as compared to 3,788 daily trips for the proposed zoning.
  - The existing hotel would generate approximately 4,315 daily trips.
  - Overall, the daily AM & PM peak trips will marginally increase over the existing hotel.
  - Overall, total daily trips will decrease.
- Parking
- Water/Sewer
- Police/Fire

John Berry, representing the applicant, said the only way to maintain this as a resort property is for the City to acquire it through condemnation, or in an arms-length transaction like the Preserve. A study concluded this project would yield a higher direct economic benefit to the City than the resort did.

Mayor Manross expressed concern about repercussions to the historic resort corridor, and urged the Council to hold policy discussions before changes are made to the General Plan. She stated her concern for the future of other nearby resort properties, and believes once this resort property is lost, it can never be recovered.

Mayor Manross opened public testimony:

**Liz Dawn**, no address given, supports the project, and said it would be a tremendous asset to the community. She pointed out that the Radisson, formerly on this property, was vacant about 80% of the time.

**Rick Kidder**, Scottsdale Chamber of Commerce, said because of the changing market place, the Chamber of Commerce and Visitor's Bureau were comfortable with this project and believes it would be a positive addition along Scottsdale Road.

Public testimony closed.

Council discussion:

- Support was expressed for the project with the majority believing it to be a positive change.
- The resort corridor is expanding to the north, but area plans and downtown plans need to be developed and put in place.
- R-4 zoning should be considered as part of the overall policy review.
- The entire Council acknowledged the need to be concerned about any threat to tourist revenue.
- There was overall support of a future policy review and discussion.
- One piece of property shouldn't be penalized because of what might happen to other properties in the future.
- Approval was expressed for the open space planned for the site.
- It was noted that condo-resort combinations are becoming more popular and are being built in Paradise Valley.
- It was suggested that it would be reasonable to request the developer to consider incorporating a hospitality use into this project.
- There are both market viability and property rights issues to take into consideration.

### **MOTION AND VOTE – ITEM 8**

COUNCILMEMBER DRAKE MOVED TO APPROVE ITEM 8, 1-GP-2005 AND 2-ZN-2005. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-1, WITH MAYOR MANROSS DISSENTING.

#### **9. Drinx Conditional Use Permit**

**Request:** Consider a conditional use permit for a bar within an existing 3400 +/- square foot building located at 7330 E. Stetson Drive with Central Business District/Parking District, Downtown Overlay (C-2/P-3/P-2/DO) zoning.

**Location:** 7330 E. Stetson Drive

**Reference:** 9-UP-2005

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

In the interest of full disclosure and amid recent discussions of conflict of interest, Councilman Lane pointed out that a City firefighter is the property owner.

Responding to concerns expressed by Vice Mayor McCullagh, staff reviewed the parking policy and pointed out the parking areas that are being leased by the applicant. A new parking ordinance will come before the Council in the next sixty days.

Discussion was held regarding the mandatory one-year review included with this Use Permit. Staff said the mandatory review was not critical as modifications could be made at any time. Council appreciated staff consideration in including the stipulation, but felt it unnecessary in this situation.

### **MOTION AND VOTE – ITEM 9**

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 9, CASE 9-UP-2005, WITH REMOVAL OF THE MANDATORY ONE-YEAR REVIEW STIPULATION. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

#### **17. Lease Agreement for Coronado Golf Course**

**Request:** Adopt Resolution No. 6769 authorizing Agreement No. 2005-165-COS with Odanoroc L.L.C., an Arizona limited liability company, to enter into a lease and management agreement for the operation of Coronado Golf Course. This lease will combine 36 acres of City of Scottsdale land together with approximately 8 acres owned by Odanoroc, L.L.C. The two parcels will collectively form the 9-hole Coronado Golf Course and Driving Range.

**Related Policies, References:**

- Section 2-221(b)(5) of the Scottsdale Revised Code allows the sale of City real property interests, including leases directly to adjoining property owners.
- A prior lease for the City-owned portion of the Coronado Golf Course was entered into in 1976 with Mr. Tom Lambie and Mr. Milt Coggins.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@scottsdaleaz.gov](mailto:adreska@scottsdaleaz.gov)

Staff reviewed the terms of the lease and agreement.

Mayor Manross opened public testimony:

**Cary Ley**, 2571 N Miller Rd, 85257, representing El Cuadro HOA, said they are proud to have the project as a neighbor and urged Council support.

Public testimony closed.

The Council expressed their satisfaction with the plans for this property.

#### **MOTION AND VOTE – ITEM 17**

COUNCILMAN LITTLEFIELD MOVED FOR APPROVAL OF ITEM 17, RESOLUTION NO. 6769 AUTHORIZING AGREEMENT NO. 2005-165-COS. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

#### **REGULAR AGENDA      ITEMS 18 AND 19**

**18.      Acquisition of Control Change for Babe's Cabaret**

**Request:** Consider an Acquisition of Control change for Babe's Cabaret.

**Location:** 2011 N. Scottsdale Road

**Reference:** 53-LL-2004#2

**Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, [fgray@scottsdaleaz.gov](mailto:fgray@scottsdaleaz.gov); Connie Padian, Customer Service Chief Officer, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

Mr. Lukewicz, the representative for the applicant, requested a continuance until November 15, 2005, and stated they would waive the sixty-day requirement for the City's action.

Mayor Manross allowed public testimony if anyone wanted to speak.

**Lyle Wurtz**, 6510 E Palm Ln, 85257, expressed his displeasure with City administration, who he feels has ignored the southern area of Scottsdale and allowed it to decline. He wondered if it was right to judge the morals of the new property owners.

#### **MOTION AND VOTE – ITEM 18**

COUNCILMAN LANE MOVED TO CONTINUE ITEM 18, CASE 53-LL-2004#2, TO NOVEMBER 15, 2005. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

**CITY MANAGER'S REPORT** - None

**MAYOR AND COUNCIL ITEMS - None**

**19. City Council Subcommittee on Regional Aviation Issues Report and Staff**

**Direction**

**Requests:**

1. Review the City Council Subcommittee on Regional Aviation Issues Report regarding proposals for scheduled commuter service at Scottsdale Airport.
2. City Council discussion and direction to staff regarding preparation of Part 139 safety certification submittal.

**Contact(s):** Councilman Robert Littlefield, Subcommittee Chair, 480-312-2550, [rlittlefield@scottsdaleaz.gov](mailto:rlittlefield@scottsdaleaz.gov); Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov); Scott Gray, Airport Director, 480-312-7735, [sgray@scottsdaleaz.gov](mailto:sgray@scottsdaleaz.gov)

Councilman Littlefield provided a presentation outlined as follow:

- Historical Studies
- Existing Resolution and Ordinance
- Airport Existing Facilities
- Proposed Service and Aircraft
- Proposed Destinations
- Airport Requirements
- Potential Capital Improvements (all costs to be paid by carrier)
- Terminal Lease Options

**Noel Gerson**, an applicant for service at the airport, Scottsdale West Airlines, 12246 E Lupine Av, 85259, reviewed the benefits of providing this scheduled service at Scottsdale Airport:

- Quieter Planes
- Reduction in Travel Time to Sky Harbor
- Competitive Pricing
- Free Parking
- Five-Hundred New Jobs
- Improved Accessibility for Tourists

Staff clarified that once the City received the Part 139 Certificate, the City must allow scheduled service to take place if there is an entity wanting to provide it.

Mayor Manross opened public testimony:

**Bert Koester**, 6201 E Cactus Rd, 85254, expressed concern about noise and the size of airplanes. Mr. Koester urged the Council to preserve the character of the area.

**Andrew Lynch**, representing Ironwood Village HOA, 6720 N Scottsdale Rd, #261, 85253, said allowing scheduled commuter service would be a direct breach of the agreement with Phoenix. Mr. Lynch said it would create 10,000 additional annual flights, add to pollution and safety issues, and devalue property.

**Jeff Ganz**, representing Grayhawk, 7234 E Tailfeather Dr, 85255, pointed out the elevation of their neighborhood is 200 to 300 feet higher than the airport, so some planes fly only seven-hundred feet above their homes. Mr. Ganz mentioned that the reporting point for most planes is Rawhide, which is only eight-hundred yards from Grayhawk. He said many planes do not make the distinction. He was also concerned that there were no public hearings regarding this issue.

**Bob Glovitz**, 6250 E Cortez Dr, 85254, questioned the reasoning behind adding to air traffic at the airport. He believes that having closer service than Sky Harbor would only benefit people in Carefree and Cave Creek. He also expressed concern about home values.

**Mark Ortega**, President of an HOA in the McDowell Mountain Ranch area, 10011 E Sheena Dr, 85260, expressed concern about infrastructure improvements and parking, and questioned the cited increases in take-offs and landings between 1991 and 2005. He said he would use this service often and supports this item subject to stipulations.

Councilman Littlefield responded that operations peaked in 1999 with 230,000 operations; last year there were 202,000 operations. A new parking lot is being built across from the administration building.

**Bob Scanlon**, 21806 N Calle Royale, 85255, said all planes are loud, and if commercial flights are allowed it will forever change the livability of northern Scottsdale.

**Jay Mohr**, representing Villa Capistrano II HOA, 12860 N 82<sup>nd</sup> Pl, 85260, opposed the item because of noise and traffic.

**Malinda Brown**, 7033 E Joan De Arc, 85254, said her neighborhood was opposed to the additional air traffic, street traffic, and devaluation of homes.

**Kristen Neugebauer**, 14238 N 61<sup>st</sup> St, 85254, said this is a quality of life issue. She expressed concern about introducing additional flights. Ms. Neugebauer feels the current noise criteria is not being met.

**Lauren Dixon**, 8525 E Los Gatos Dr, 85255, said she didn't need any more planes flying over her house, and feels the applicant should consider the Williams location. She said once the City had Part 139 Certification, there would be no way to turn back.

**Sarah Levine**, of Orangetree Manor HOA, 6031 E Shangri-La Rd, 85254, said this would be a mistake and offers no significant revenue. She referenced a plane crash on 64<sup>th</sup> Street years ago, and said larger planes would be even more dangerous to the community.

**Rick Kidder**, Scottsdale Chamber of Commerce, said the airport could be an amenity for many others rather than just business travelers and jet owners. The Chamber believes commercial flights will be a great benefit to the community. He believes there is an information void in the community, and that more public outreach is essential to allay fears.

**Melinda Gulick**, Town Manager at DC Ranch, 23845 N 74<sup>th</sup> St, 85255, said there are many misconceptions, and community outreach is needed. She invited the applicant, the City Council, and the Airport Commission to come to DC Ranch for an outreach meeting.

**Scott Calev**, 7540 E Jenan Dr, 85260, said flight patterns are unenforceable, and there are already about twenty-three flights per hour over his home. He also commented on the high frequency of business failures for fifty-passenger jet companies.

**Sherri Aldridge**, 6831 E Presidio Rd, 85254, was appalled that Council would even consider scheduled commuter service. When purchasing their home, they were promised the airport would not grow.

**Nadine Wakely**, 6243 E Cortez Dr, 85254, said she spoke for the children and moms in the neighborhood and noted there are two schools within two miles of the airport. Ms. Wakely stated she was caught off guard when she received the meeting notice at the last minute. She said that in the process of purchasing her home, she was assured there would be no large planes flying into the airport.

**Mike Schell**, 6104 E Cortez Dr, 85254, said the City did not need to encourage more jet traffic at the airport. Mr. Schell said the service would inconvenience many for the benefit of a few.

**Dan Wohleen**, 6832 E Joan De Arc, 85254, expressed concern about the very short notice for the meeting, pollution, noise, and the negative impacts to quality of life.

**Jon Altmann**, 5305 E Sweetwater Av, 85254, said he lives in Phoenix, under the turning point of the flight path. Mr. Altmann asked that affected Phoenix neighborhoods be given consideration.

**W. J. Pichon**, 6821 E Thunderbird Rd, 85254, opposed scheduled commuter service at Scottsdale Airport because there is already too much air traffic. Mr. Pichon said he foresees parking problems and complained that he only found out late last night about this meeting.

**Elsie Middleton**, 6831 E Thunderbird Rd, 85254, said she agreed to live with a small airport and small planes when she moved to her house in 1978, but air traffic has been consistently increasing. Ms. Middleton asked that residents be considered instead of progress.

**Tim Salmon**, 6061 E Sunnyside Dr, 85254, said he didn't know anyone who supported pursuing certification to allow scheduled commuter service at Scottsdale Airport.

**Laura Sickle**, 6226 E Laurel Ln, 85254, said the noise will get worse unless Council votes against the item. She said this is a quality of life issue and feels Scottsdale is becoming an undesirable place to live and work.

**Gil Federico**, 9268 E Havasupai Dr, 85255, said noise and planes flying too low on a sporadic basis are facts of life, but commercial jets will come repeatedly about every fifteen minutes. The community does not want this service to be allowed.

**Mitchell Wilensky**, President of Pima Acres HOA, 8822 E Diamond Rim Dr, 85255, said allowing commuter service would degrade quality of life for residents. He noted the airport is only two miles from the gateway of the mountain preserve where millions of dollars have been invested. He questioned why that investment should be jeopardized.

**Keith DeGreen**, 6211 E Jenan Dr, 85254, opposed seeking Part 139 Certification, which he feels would ultimately hurt property valuations. He stated that tourists will continue to visit Scottsdale without this service.

**Lyn Seifert**, 6226 E Cortez Dr, 85254, hoped the Council had the courage to vote no. She read statistics from many studies indicating mortalities and health risks are higher near airports.

**Paul Masani**, 6052 E Jenan Dr, 85254, questioned why this certification is being considered and who it benefits. He believes the Council has a duty to support the citizens who voted for them.

**Brian Tritch**, 9246 E Rimrock Dr, 85255, spoke in opposition, saying the aircraft fly very low, and he did not want commuter service flying over his home or his children's school.

**Norm Woodmansee**, 9022 E Hualapai Dr, 85255, expressed concern about noise, air pollution, and quality of life.

**Darcy McCulloch**, 6117 E Yucca St, 85254, said most residents bought their homes with the understanding that only small corporate jets and other private aircraft would use the airport. Residents endure larger jets during special events and he believes these jets don't adhere to air traffic procedures. Mr. McCulloch said the benefits to a few would be outweighed by the damage to many.

**Bill Crowell**, 9045 E Havasupai, 85255, said that by his estimation, there were about 15,000 to 20,000 people against scheduled commuter service, and asked that the people be represented. His main concerns are property value and safety.

Public testimony closed. Nineteen additional comment cards were received from citizens in opposition, but not wishing to speak.

Council discussion:

- Commuter service has been on the master plan since the 1980s.
- Part 139 certification may allow better control and perhaps improve the current situation at the airport.
- Doubt was expressed about the benefit to the public and how the service would contribute to quality of life.
- There was concern regarding potential restrictions to other airport operations that may need to take place if scheduled commuter service was allowed.
- There was overall support for more community outreach.
- It was suggested that the item be continued to provide for more community outreach.
- This service might have been more beneficial in the past; however, most of the Council agreed the additional service would not add enough benefit to warrant the added impacts to the neighborhoods.

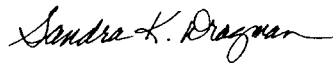
**MOTION AND VOTE – ITEM 19**

VICE MAYOR MCCULLAGH MOVED TO DIRECT STAFF TO DISCONTINUE EFFORTS TO RECEIVE FAA PART 139 CERTIFICATION AT THIS TIME. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 5-2, WITH COUNCILMEMBERS LITTLEFIELD AND OSTERMAN DISSENTING.

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:05 P.M.

**SUBMITTED BY:**



Sandy Dragman  
Recording Secretary

**REVIEWED BY:**



Carolyn Jagger  
City Clerk

Officially approved by the City Council on December 12, 2005




### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 1<sup>st</sup> day of November 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this 12th day of December 2005.

  
\_\_\_\_\_  
CAROLYN JAGGER  
City Clerk